

MEETING MINUTES
Board of Mental Health Practice
November 13, 2015

These minutes were approved by
the Board on 1/8/2016

1. ROLL CALL

The meeting of the Board of Mental Health Practice was called to order by the Chair, Tom Maxson, at 8:59 a.m. in Lower Level Room A, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

Members Present:	Dale Battleson Susan Feyen William Gaughan Tom Maxson Susan Meyerle Sarita Ruma	Vice-Chair Secretary Member Chair Member Member
Members Absent:	Alan Green Allison Reisbig Terrance Moore Shari Schnuelle	Member Member Member Member
Others Present:	Kris Chiles Julie Agena Larry Wiehn Jeff Newman Anna Harrison	Program Manager, Licensure Unit Assistant Attorney General Investigator Investigator Compliance Monitor

A quorum was present and the meeting convened.

2. ADOPTION OF AGENDA

MOTION: Meyerle moved, seconded by Ruma, to adopt the agenda. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Maxson, Meyerle, Ruma (6). Voting nay: None (0). Absent: Green, Moore, Reisbig, Schnuelle (4). Abstain: None (0). Motion carried.

3. APPROVAL OF MINUTES (9-11-15)

MOTION: Battleson moved, seconded by Meyerle, to approve the minutes of 9-11-15. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Maxson, Meyerle, Ruma (6). Voting nay: None (0). Absent: Green, Moore, Reisbig, Schnuelle (4). Abstain: None (0). Motion carried.

4. INVESTIGATIVE REPORTS AND OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Meyerle moved, seconded by Feyen, to enter into closed session at 9:03 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Maxson, Meyerle, Ruma (6). Voting nay: None (0). Absent: Green, Moore, Reisbig, Schnuelle (4). Motion carried.

9:27 a.m. - Newman departed meeting
9:42 a.m. - Harrison departed meeting
9:51 a.m. - Agena departed meeting
9:56 a.m. - Wiehn departed meeting

MOTION: Meyerle moved, seconded by Feyen, to enter into open session at 9:56 a.m. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Maxson, Meyerle, Ruma (6). Voting nay: None (0). Absent: Green, Moore, Reisbig, Schnuelle (4). Motion carried.

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

a. Applications and Reinstatements

Chiles reported that Stella Offordirinwa submitted a request to appeal the denial of her reinstatement and early release from probation. She stated the hearing would be before the Board at their January meeting and that Offordirinwa would be represented by an attorney. The Attorney General's Office will be the legal counsel and present the evidence and Kevin Griess will be Board counsel so there will be two attorneys. Chiles said it was an opportunity for both sides to make their case and then the Board will make the decision. The Board agreed to start the hearing at 9:15 a.m. at the January meeting.

10:04 a.m. - Break
Kevin Griese, Department attorney, entered meeting
10:09 a.m. - Meeting resumed

6. UNFINISHED BUSINESS

a. Review of Conviction Guidelines Document, Committee Report and Discussion

Maxson thought the draft he had was the one the whole Board had to review but Chiles responded that the committee had received that draft copy to make any changes they thought would be appropriate. The Board had copies of the draft and agreed to review it at this meeting. The proposed changes were:

- Page 2, MIP - Delete the entire page. Chiles commented that if an applicant had only MIPs, that the application would then not come before the Board. The Board agreed to delete the page.
- DUI page – Columns have the DSM-5 specifiers added and under conditions “support group” was added in place of “AA” and the “jurisprudence examination” was added. The Board agreed.
- DUI page - The 3rd column title had “1 DUI in previous year OR” added to “more than 1 within previous 5 years.” The Board agreed.
- DUI page - The last column reads “more than 1 but more than 5 or 10? years ago.” Maxson commented it was left this way for Board input to determine what convictions were old enough that the application did not need to come to the Board. The column also deleted all previous content and added “Department issue non-restricted license.” The Board agree to make this column 10 years.
- DUI page – The Board agreed to add a column of “More than 1 in more than 5 but less than 10 years” where the application would come to the Board for review.
- Controlled Substance page – After reviewing the page, the Board agreed to combine it with the DUI page.
- Shoplifting – Proposed to delete shoplifting as its own category and move it under “Other Convictions”. Board agreed.
- Other Convictions – Proposed ‘If more than 4 within past 3 years, requires board review.’ The Board agreed to “If 5 or more within past 3 years, requires board review.” Also False Information or Reporting was removed from the list of “Other Convictions.”
- Fail to Report Convictions – The Board agreed that if an applicant failed to report 5 or more minor convictions from the list, the board would consider probation of 6m-1yr, with jurisprudence examination.

Chiles added substance use criteria and information on the standard terms and conditions for probation offers to the Guidelines. Chiles commented that the applications also now have general information and has a sampling of possible convictions.

b. Status of Regulation 172 NAC 94 (no update)

Griess was asked if he knew the status of the regulations. He responded that he assumed with the CEO who was likely waiting for a director to be appointed.

c. Other

There was no information to report.

7. NEW BUSINESS

a. Select Remaining Meeting Dates for 2016 (May, July, Sept., Nov.)

The Board previously selected January 8 and March 4 for 2016 meeting dates. The remaining 2016 dates selected were: May 6, July 1, September 9, and November 4.

b. Correspondence

Chiles reported she received a letter from the North Dakota Board of Counselor Examiners. They are looking at reciprocity between states and asking if Nebraska would consider establishing a reciprocity agreement. Their requirements for the LPC are:

- 48 hr. Masters in Counseling (moving to 60 Hr. in 2017)
- 100 hours of direct face to face supervision by a board approved supervisor
- Acceptable background check
- 700 hour practicum and internship in counseling
- Three letters of reference
- Passing score on the National Counselor Exam
- Have held a license in good standing continuously for five years to be eligible for reciprocity

Meyerle commented that AASCB is encouraging reciprocity with five years at the highest level without any disciplinary action which this is not in North Dakota. She stated their licensed clinical was the highest level. Meyerle said AASCB would look at Nebraska's LIMHP as the highest level.

Chiles commented the regulations had provisions for reciprocity and they did not include forming contracts or agreements with other states. She stated the Psychology Board regulations state that if a state is part of ASPPB reciprocity agreement then the applicant meets the requirements; this process works well. Chiles stated she would send a letter to the North Dakota Board saying that under current regulatory language Nebraska could not establish a reciprocity agreement.

Meyerle said portability would continue to be discussed at the AASCB meeting in January. She commented state requirements varied and that makes portability more difficult. She stated Nebraska was unique because there is the mental health practice and independent mental health practice license and then the PC/SW/MFT certificates. Chiles asked if other states had a master level psychologist and Meyerle responded they did not. Chiles then asked if they were required to be CACREP and Meyerle responded it depended on the state. Chiles commented she had been seeing different psychology degrees such as Mediation and Conflict Resolution, further, master's programs in psychology are not APA accredited. Meyerle commented that those with a master's in psychology are trying to find a Board that will license them.

c. Other

There was nothing to report.

8. UPDATES AND REPORTS

a. AASCB / AMFTRB / ASWB / Citizen Advocacy Center / Justice Behavioral Health Committee

- **AMFTRB** – Battleson stated he attended the AMFTRB meeting and there was a lot of information on tele-services. He said since he attended the meeting two years ago, they had changed the group who does the examination and it was much better.
- **ASWB** – Feyen reported on her attendance at the meeting in November. She stated there was a lot of discussion on supervision and reciprocity. She will be on a Practice Analysis Committee next weekend to look at examination questions in relationship to practice. Meyerle said the

ASWB Mobility Report was on the website.

- **AASCB** – Ruma indicated she would like to attend the January meeting.

MOTION: Meyerle moved, seconded by Battleson, to approve funding for a Board member to attend the AASCB meeting in January 2016. A roll call vote was taken. Voting aye: Battleson, Feyen, Gaughan, Maxson, Meyerle, Ruma (6). Voting nay: None (0). Absent: Green, Moore, Reisbig, Schnuelle (4). Motion carried.

Meyerle reported that besides portability, AASCB was working on conferences and there was controversy on how to handle school counselors

Maxson commented that for alcohol and drug counselors, NAADAC was offering grandfathering for the next six months if they meet the education levels and have five years practice post licensure.

b. Disciplinary/Non-Disciplinary Report / Licensure Statistics / Administrative Penalty Fees Assessed

Chiles distributed the list of disciplinary/non-disciplinary actions since January 1, 2015.

Chiles reported the following examination results since January 1, 2015:

NCE	64 pass, 13 fail
NCMHCE-DM	6 pass, 8 fail
NCMHCE-IG	13 pass, 1 fail
ASWB	24 pass, 15 fail
AMFTRB	3 pass, 1 fail

Chiles reported the following active credentials:

LIMHP	1339
MFT	99
MSW	894
CMSW	30
MHP	2752
CPC	1081
PMSW	193
PLMHP	990
CSW	590

Meyerle asked if there was a way of knowing how many individuals became LIMHP who were LMHP. Chiles said she would run a report.

Feyen commented there was a legislative study of the behavioral health work force on who is working and where they are working. Chiles said the study was under LR 185 which the purpose is to examine issues faced by Nebraska's behavioral health workforce, including mental health practitioners. The study also includes barriers to Medicaid and Magellan approval and ways to assist provisionally licensed providers to obtain their licenses. Chiles said they were looking at what areas were complicating the application process and the thing that immediately came to mind is when it is a degree from a non-accredited program and the applicant does not send in sufficient information to review their training which results in a lot of back and forth. Chiles stated it might be helpful to educate potential employers to help applicants fill out the application. Feyen said education reviews could go quicker if the syllabi were more clearly written. Chiles said when a course is approved, staff include the course on a list which is approved for that point in time. Chiles commented the Department accepts the approval for the same year for the same course. Chiles stated that for PLMHP the applicant has to have a supervisor when they apply but for PLADC the individual registers a supervisor within 15 days of being employed. She stated she would like to move PLMHP to the same way PLADC does it. Meyerle suggested maybe a temporary license could be issued but Chiles commented the Board would have to be careful about that because the person would have practiced and then might not become licensed. Chiles said in the future the Board

may want to look at regulations to address some of these issues. Chiles suggested meeting with organizations and discussing the application process. She said she had talked to Boystown staff to talk about the application process.

c. Other

There was no other information to report.

9. SERVICE RECOGNITION: Susan Meyerle (11/17/2003 – 11/30/2015)

Maxson presented Meyerle with a plaque and certificate in appreciation of her service to the Board. Meyerle commented when she started on the Board, she had no idea what she was getting into and the focus of the Board and the issues they face had changed since when she started. She stated she would continue to be involved with national groups and dealing with regulations. She commented she had gathered a lot of knowledge from being on the Board and it had been a pleasure to serve.

10. ADJOURNMENT

Maxson adjourned the meeting of the Board of Mental Health Practice at 11:47 a.m.

Respectfully Submitted,

Susan Feyen, Secretary
Board of Mental Health Practice

Next Meeting: January 8, 2016

Summarized by: Nancy Herdman, Health Licensing Coordinator, Licensure Unit